

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. 2:22-cr-00151-LK

Plaintiff,

ORDER GRANTING MOTION TO
SEAL

IVAN SANTOS ARELLANO,

Defendant.

This matter comes before the Court on the Government's unopposed motion to seal Exhibit B, sentencing memorandum. Dkt. No. 204. The Government states that Exhibit B "contains the intents of judicially authorized interception of wire and oral communications," including communications from individuals who have not been charged in this matter, and 18 U.S.C. § 2517 provides that these wiretap interceptions be sealed and remain so except under narrowly defined instances, including while giving testimony under oath." *Id.* at 1–2; *see also* Dkt. No. 205 (d) Exhibit B).

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City & Cnty. of Denver*, 112 P.3d 112, 116 (Colo. 2005).

1 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435
2 U.S. 589, 597 & n.7 (1978)). However, Section 2517 limits when information collected from
3 wiretapping may be disclosed. Courts in the Ninth Circuit have interpreted the statutory provisions
4 as “prohibiting the public disclosure of [wiretapping] material until after it has been admitted into
5 evidence in a criminal trial or at a suppression hearing.” *United States v. Rand*, No. 3:16-cr-00029-
6 MMD-WGC, 2016 WL 6208265, at *3 (D. Nev. Oct. 24, 2016); *see also United States v. Kwok*
7 *Cheung Chow*, No. 14-cr-00196-CRB (JCS), 2015 WL 5094744, at *3 (N.D. Cal. Aug. 28, 2015)
8 (“Courts have generally held that in light of Title III’s purpose of safeguarding privacy, the statute’s
9 list of permissible disclosures is exclusive—in other words, ‘what is not permitted [under § 2517]
10 is forbidden.’” (quoting *United States v. Dorfman*, 690 F.2d 1230, 1234 (7th Cir. 1982)).

11 The Court has reviewed the document at issue, which comprises the contents of judicially-
12 authorized interceptions of wire and oral communications, including communications with
13 individuals who have not been charged in this matter. Dkt. No. 205. Redaction is not a feasible
14 alternative to sealing. The Court finds that the document may remain under seal pursuant to 18
15 U.S.C. § 2517. *See Kwok Cheung Chow*, 2015 WL 5094744, at *7.

16 The Court therefore GRANTS the motion to seal. Dkt. No. 204. Exhibit B may remain
17 under seal. Dkt. No. 205.

18 Dated this 11th day of September, 2024.

Lauren King
Lauren King
United States District Judge